

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 92 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 31-9-2-9.5 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: **Sec. 9.5. "Attorney ad litem", means an**
- 5 **attorney appointed by the court to:**
- 6 (1) **represent and protect the best interests of the child; and**
- 7 (2) **provide the child with services requested by the court,**
- 8 **including:**
- 9 (A) **researching;**
- 10 (B) **examining;**
- 11 (C) **advocating;**
- 12 (D) **facilitating; and**
- 13 (E) **monitoring;**
- 14 **the child's situation.**
- 15 SECTION 2. IC 31-32-4-1 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) The**
- 17 **following persons are entitled to be represented by counsel:**
- 18 (1) **A child charged with a delinquent act, as provided by**
- 19 **IC 31-32-2-2.**
- 20 (2) **A parent in a proceeding to terminate the parent-child**
- 21 **relationship, as provided by IC 31-32-2-5.**
- 22 (3) **Any other person designated by law.**
- 23 **(b) If appointment of an attorney for a child is not provided for**
- 24 **in another statute, a court may appoint an attorney ad litem to**
- 25 **represent a child:**
- 26 (1) **in addition to; or**
- 27 (2) **instead of;**
- 28 **appointing a guardian ad litem or court appointed special advocate**
- 29 **for the child.**
- 30 (c) **The cost of the services provided by an attorney ad litem**
- 31 **appointed under subsection (b) shall be paid by:**

1 **(1) the parent or guardian of the estate of the child under**
2 **IC 31-40-1-3; or**

3 **(2) the county under IC 31-40-1-2."**

4 SECTION 3. IC 34-9-2-1 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 1. All courts have the authority
6 to:

7 (1) appoint a guardian ad litem **or an attorney ad litem (as**
8 **defined in IC 31-9-2-9.5)** to defend the interests of any person
9 under eighteen (18) years of age impleaded in a suit; and

10 (2) permit any person, as next friend, to prosecute a suit in a
11 minor's behalf.

12 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
13 UPON PASSAGE]:

14 IC 34-10-1; IC 34-10-2.

15 SECTION 5. **An emergency is declared for this act.**

 (Reference is to SB 92 as printed January 18, 2002).

Senator KENLEY